PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, FEBRUARY 9, , 19 93

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING February 9, 1993, IN Regular SESSION. PRESIDENT Mark E. GiaQuinta IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine, AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY A, EDMONDS P, GiaQUINTA P,
HENRY ✓, LONG A, LUNSEY ✓,
RAVINE ✓, SCHMIDT ✓, TALARICO ✓,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR January 26, 1993
, 19 ,
SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 9th day of February, 1993, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of February, 1993.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

February 2, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-93-01-19

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of February 1992.

Robert Hutner
Secretary

/pb

CC: File

337-M

RECYCLED

FACT SHEET

Z-93-01-19
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From R-1 to R-3

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1515 Laverne Av

Reason for Project
Convert property into a real estate/ insurance office.

Discussion (Including relationship to other Council actions)

25 January 1993 - Public Hearing

Joe Costello, appeared before the Commission, for the petitioners. Mr. Costello stated that he was intending to purchase the property at 1515 Laverne Avenue, with the intention to convert it into a real estate/insurance office. He stated that he has been in this business for 32 years. He stated that the staff has given their approval of the request.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation,

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Orville & Marcella Ziegel City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 December 1992

Projected Completion or Occupancy Date 2 February 1993

Fact Sheet Prepared by Date 2 February 1993

Patricia Biancaniello

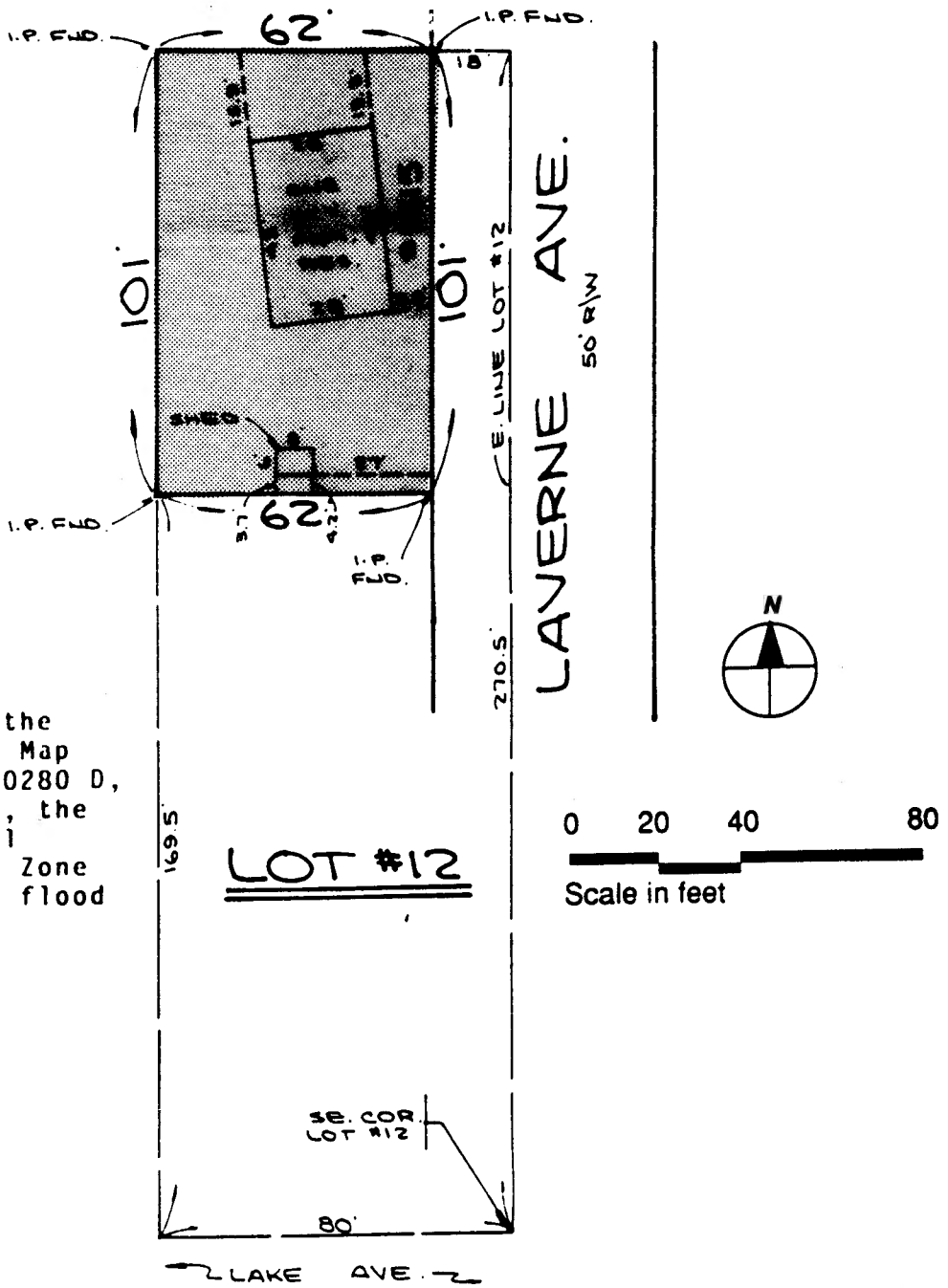
Reviewed by Date 2 FEBRUARY 1993

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #529



NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0280 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.

COUNCILMANIC DISTRICT NO. 1

Map No. R-14
LW 12-28-92

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 26, 1993 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-93-01-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 25, 1993.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

Norbert J. Schenkel, Jr., attorney for Orville M. and Marcella M. Ziegel, requests a change of zone from R-1 to R-3.

Location: 1515 Laverne Avenue

Legal: See file

Land Area: Approximately 0.14 acres

Zoning: R-1

Surroundings:

North	R-1	Residential
South	R-1	Cemetery
East	R-1	Offices
West	R-3	Offices

Reason for Request: Not stated on the petition.

Neighborhood Assoc.: None

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

This property is located approximately 165 feet north of Lake Avenue. The Lake Avenue corridor has been predominately developed for office and medically related uses with few a residential uses mixed in.

This parcel has an existing office development across the street from it, as well as offices and their associated parking at the rear. While staff is concerned with the possible extension of office uses to the north into established existing residential development, we also recognize the need to allow consistent land use patterns to develop as growth dictates.

Approval of this petition will allow a reinvestment in the existing structure, and the potential for future office use of the site.

Such action would be consistent with existing development patterns in this area of Laverne Avenue.

Recommendation: Do Pass for the following reasons:

1) Approval is consistent with the goals of the Comprehensive Plan, and existing development patterns for this area.

2) Approval would encourage reinvestment in the area.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

February 2, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-92-04-12;

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

/pb

CC: File

337-M

RECYCLED

FACT SHEET

G-92-04-12
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Alley Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
N/S alley located behind 1301-1319 Lafayette Street which runs south from Douglas to the first intersecting alley.

Reason for Project
Expansion of adjacent business.

Discussion (Including relationship to other Council actions)

STATUS:

This petition was heard at a public hearing on April 20, 1992. It was granted a "Conditional Approval on April 27, 1992 at the Business Meeting of the Plan Commission.

Staff sent a letter indicating the conditions that needed to be met on May 7, 1992. Our records indicate that the conditions have not been satisfied.

On January 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by January 15, 1993, would cause the petition to be returned to the Plan Commission for consideration of a do not pass recommendation.

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation for the following reason:

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) William Brown City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE:

Plan Commission By-Laws Article VI, Section 5 - Conditional Approvals

All ordinances given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners, or others seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioner(s) or other(s) to satisfy the condition(s). If not satisfied within six (6) months from the date of the Plan Commission's decision to recommend DO PASS with condition(s), the City Plan Commission staff shall return the ordinance to the City Plan Commission for its reconsideration and recommendation of "DO NOT PASS" to the City Council, if the Plan Commission determines at that time that such recommendation is proper under the circumstances existing at that time.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 19 March 1992

Projected Completion or Occupancy **Date** 2 February 1993

Fact Sheet Prepared by **Date** 2 February 1993
Patricia Biancaniello

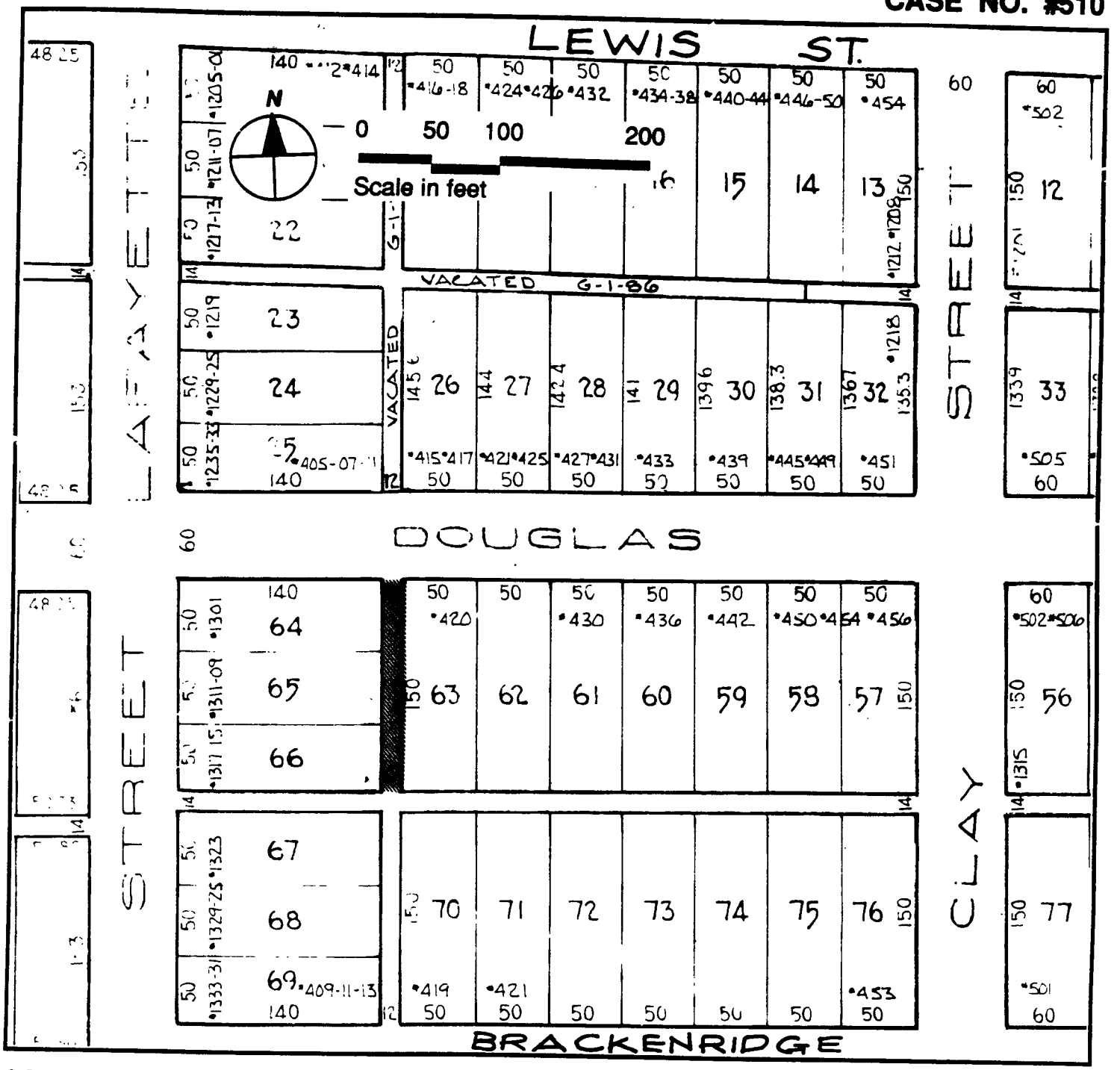
Reviewed by **Date**
2 FEBRUARY 1993

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #510



COUNCILMANIC DISTRICT NO. 1

Map No. N-2
LW 3-27-92

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 14, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-04-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation, due to the fact that the conditions placed on the request were not satisfied within the six (6) months allotted.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

Reconsideration of Bill # G-92-04-12

Petition: William Brown and Rita May requested the vacation of a portion of a public alley.

Location: The north-south alley located behind 1301-1319 Lafayette Street which runs south from Douglas to the first intersecting alley.

Status: Granted a "Conditional Approval" on April 27, 1992.

Staff sent a letter indicating the conditions that needed to be met on May 7th. Our records do not indicate that the conditions have been satisfied.

On Jan. 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by the 15th would cause the petition to be returned to the Plan Commission for reconsideration.

Planning Staff Discussion:

The staff does not recommend the vacation of any alley or easement unless the conditions addressing the need for replacement utility easement or relocations are satisfied as applicable.

Recommendation: Do Not Pass for the following reasons:

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

February 2, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-92-04-13;

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

/pb

CC: File

Division of Community Development & Planning

FACT SHEET

G-92-04-13

BILL NUMBER

BRIEF TITLE Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
Part of N/S alley located E of Calhoun St & N of E Foster Pkwy. Part of E/W alley E of Calhoun St and N of E Foster Pkwy.

Reason for Project

Petitioner stated "In order to connect all buildings together bordering properties".

Discussion (Including relationship to other Council actions)

STATUS:

(See attached status report & staff recommendation.)

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation for the following reasons:

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.
2) Petitioners did not provide corrected signatures.
3) Failing to provide a cul-de-sac or other turn around would cause the public to drive onto private property in order to access another public right-of-way.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Cornerstone Christian Worship Center Inc **City Department** **Other**
Opponents	**Groups or Individuals** Max Crosley, 4504 Marvin Dr Marigrace Klemm Mike Blause, 124 E Foster Pkwy **Basis of Opposition** -alleys are used for access to commercial properties & residential properties, closing alleys would create traffic problem
Staff Recommendation	☐ For ☒ Against **Reason Against**
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

NOTE:

Plan Commission By-Laws Article VI, Sec 5
Conditional Approvals

All ordinances which are given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners, or others seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioner(s) or other(s) to satisfy the condition(s). If not satisfied within six (6) months from the date of the Plan Commission's decision to recommend "DO PASS" with condition(s), the City Plan Commission staff shall return the ordinance to the City Plan Commission for its reconsideration and recommendation of "DO NOT PASS" to the City Council, if the Plan Commission determines at that time that such recommendation is proper under the circumstances existing at that time.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 19 March 1992

Projected Completion or Occupancy **Date** 2 February 1993

Fact Sheet Prepared by **Date** 2 February 1993
Patricia Biancaniello

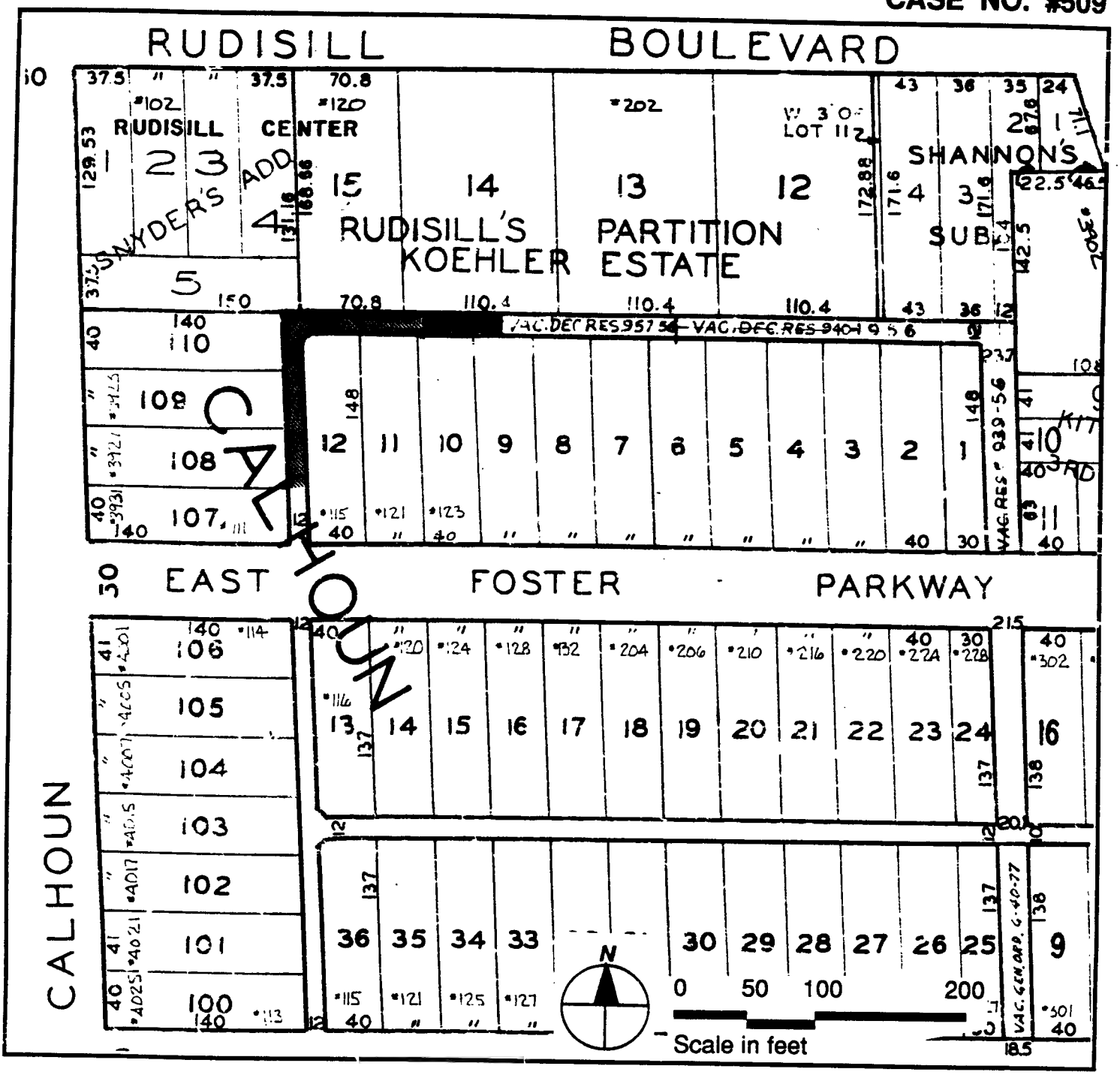
Reviewed by **Date** 2 FEBRUARY 1993

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #509



COUNCILMANIC DISTRICT NO. 5

Map No. M-11
LW 3-27-92

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on April 14, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-04-13; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

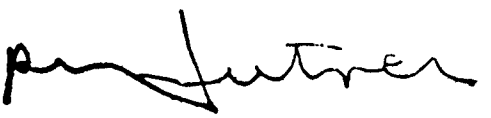
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 20, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation, due to the fact that the conditions placed on the request were not satisfied within the six (6) months allotted.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this
2nd day of February 1993.



Robert Hutner
Secretary

Reconsideration of Bill # G-92-04-13

Petition: Cornerstone Christian Worship Center requested the vacation of a portion of two public alleys.

Location: 1) Portions of the north-south alley located north of East Foster Parkway and east of Calhoun Street, and

2) Portions of the east-west alley located east of Calhoun Street and north of East Foster Parkway.

Status: Granted a "Conditional Approval" on April 27, 1992.

Staff sent a letter indicating the conditions that needed to be met on May 7th. Our records do not indicate that the conditions have been satisfied.

On Jan. 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by the 15th would cause the petition to be returned to the Plan Commission for reconsideration.

Planning Staff Discussion:

The staff does not recommend the vacation of any alley or easement unless the conditions addressing the need for replacement utility easement or relocations are satisfied as applicable.

Additionally in this case the following were not satisfied:

1) Provisions for a cul-de-sac or other turn around at the northern end of the non-vacated north-south alley;

2) Signatures of the actual owners or record instead of their agent (Rudisill Center indicated some reservation regarding their agents signature.)

3) A revised legal description was required.

4) One additional property owner did not sign the petition.

Recommendation: Do Not Pass for the following reasons:

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

2) Petitioners did not provide corrected signatures.

3) Failing to provide a cul-de-sac or other turn around would cause the public to drive onto private property in order to access another public right-of-way.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

February 2, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-92-05-05

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

/pb

CC: File

FACT SHEET

G-92-05-05
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Alley Vacation Ordinance

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address
Portions of the East/West alley south of Douglas and North of Brackenridge Streets.

Reason for Project

Would like to use additional area for parking for the business at 435 E Brackenridge Street.

Discussion (Including relationship to other Council actions)

STATUS:

This petition was heard at public hearing on May 18, 1992. It was granted a "Conditional Approval" at the Business Meeting on June 1, 1992.

Staff sent a letter indicating the conditions that needed to be met on June 9, 1992. Our records indicate that the conditions have not been satisfied.

On January 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by January 15, 1993 would cause the petition to be returned to the Plan Commission for reconsideration.

1 February 1993 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation for the following reasons:

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Darwin Highlen, Jr. City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.
2) Failure to provide an improved public turn around would not address the safety concerns raised by staff, and could result in increased accident experience.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

NOTE:

Plan Commission By-Laws Article VI, Sec 5
Conditional Approvals

All ordinances which are given a "DO PASS" recommendation by the City Plan Commission, upon conditions to be met by the petitioners, or other seeking passage of the ordinance, shall be held by the City Plan Commission staff for a period of not more than six (6) months to allow the petitioner(s) or other(s) to satisfy the condition(s). If not satisfied within six (6) months from the date of the Plan Commission's decision to recommend "DO PASS" with condition(s), the City Plan Commission staff shall return the ordinance to the City Plan Commission for its reconsideration and recommendation of "DO NOT PASS" to the City Council, if the Plan Commission determines at that time that such a recommendation is proper under the circumstances existing at that time.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 16 April 1992

Projected Completion or Occupancy **Date** 2 February 1993

Fact Sheet Prepared by **Date** 2 February 1993

Patricia Biancaniello

Reviewed by **Date**

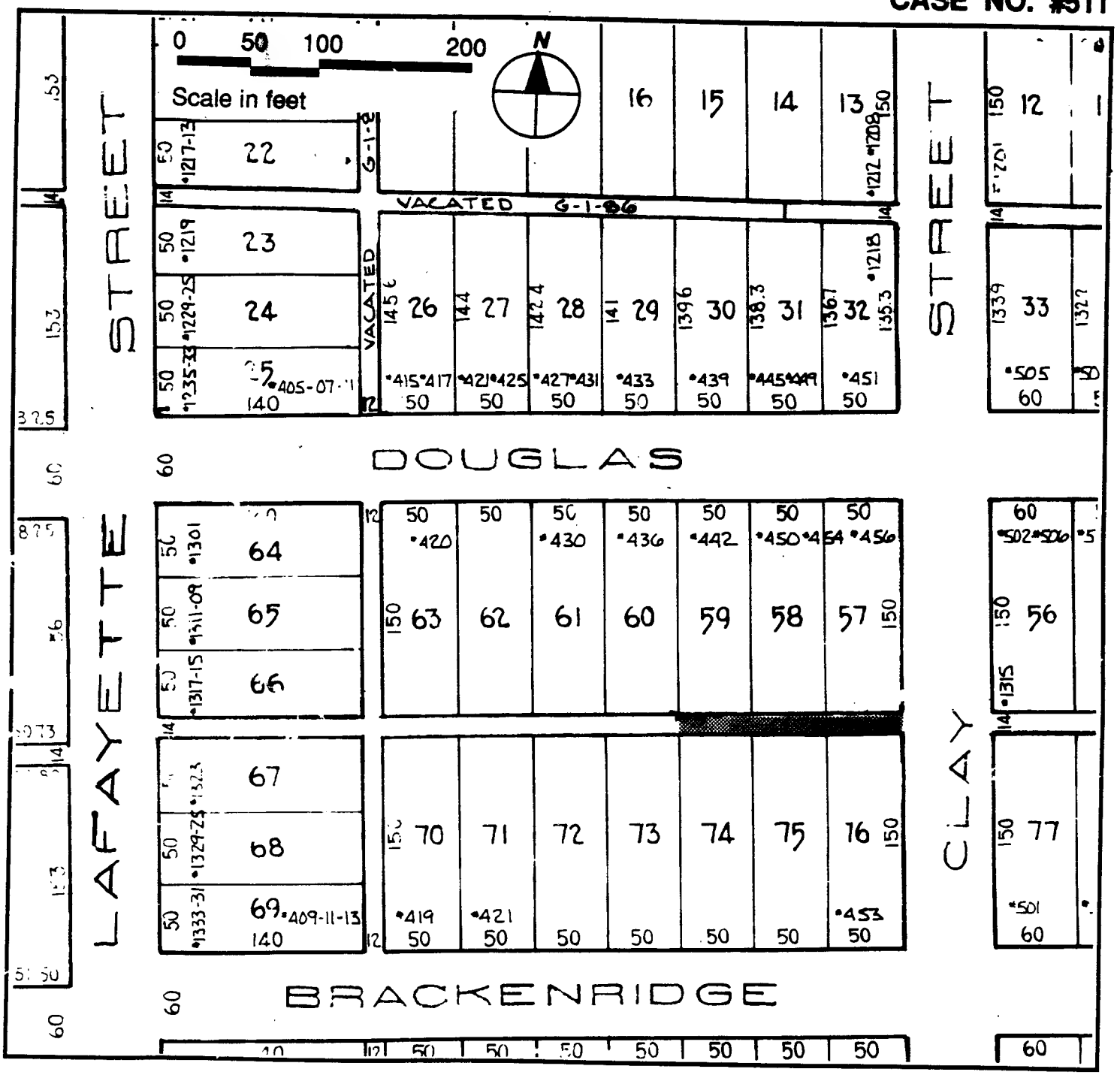
2 FEBRUARY 1993

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #511



COUNCILMANIC DISTRICT NO. 1

Map No. N-2
LW 4-21-92

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on May 12, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-05-05; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

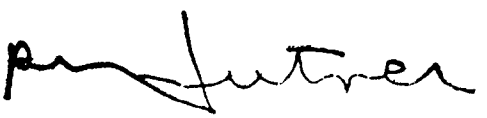
WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 18, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation, due to the fact that the conditions placed on the request were not satisfied within the six (6) months allotted.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this
2nd day of February 1993.



Robert Hutner
Secretary

Reconsideration of Bill # G-92-05-05

Petition: Darwin Highlen, Jr. requested the vacation of a portion of a public alley.

Location: Portions of the east/west alley south of Douglas and north of Brackenridge Streets.

Status: Granted a "Conditional Approval" on June 1, 1992.

Staff sent a letter indicating the conditions that needed to be met on June 9th. Our records do not indicate that the conditions have been satisfied.

On Jan. 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by the 15th would cause the petition to be returned to the Plan Commission for reconsideration.

Planning Staff Discussion:

The staff does not recommend the vacation of any alley or easement unless the conditions addressing the need for replacement utility easement or relocations are satisfied as applicable.

Additionally, the petitioners were required to provide a cul-de-sac or other turn around at the eastern end of the non-vacated east-west alley, meeting the requirements of both Traffic Engineering and Street Engineering. Failure to do so could result in vehicles either being forced onto private property, or to back into traffic on Lafayette Street.

Recommendation: Do Not Pass for the following reasons:

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

2) Failure to provide an improved public turn around would not address the safety concerns raised by staff, and could result in either increased accident experience.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

February 2, 1993

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

Bill No. G-92-07-06

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

/pb

CC: File

FACT SHEET

G-92-07-06
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
The N/S alley E of Webster Street, between Jefferson Blvd., & Lewis Street.

Reason for Project

Petitioners felt it would be to the advantage of the City to vacate the alley and revert the maintenace to the adjacent property owners, since it was no longer necessary for access to any properties except their property.

Discussion (Including relationship to other Council actions)

STATUS:

Public Hearing was held on this petition on July 20, 1992. It was granted a "Conditional Approval" at the July 27, 1992 Business Meeting.

Staff sent a letter indicating the conditions that needed to be met on July 28, 1992. Our records do not indicate that the conditions have been satisfied.

On January 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by January 15, 1993 would cause the petition to be returned to the Plan Commission for reconsideration.

1 February 1993 - Business Meeting

In response to staff's letter of January 6, 1993 and follow up phone conversations, Mr. Christoff has elected to request a withdrawal of the vacation petition.

Motion was made and seconded to return the

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Joseph Christoff **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☐ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions) WITHDRAWN
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

ordinance to the Common Council with a recommendation that the petition be WITHDRAWN.

Of the seven (7) members present, six (6) voted in favor of the withdrawal, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 10 June 1992

Projected Completion or Occupancy **Date** 2 February 1993

Fact Sheet Prepared by **Date** 2 February 1993

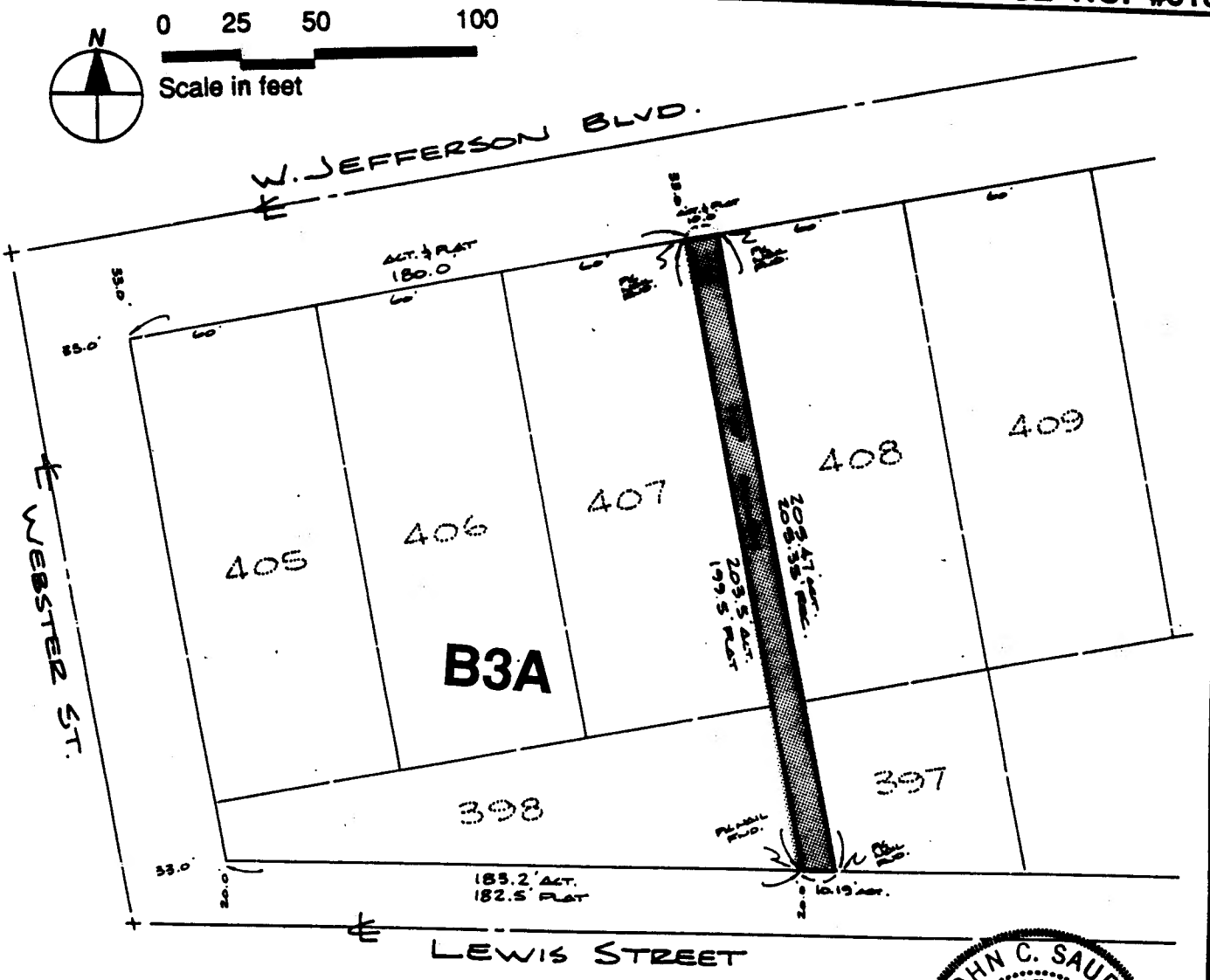
Patricia Biancaniello

Reviewed by **Date** 2 FEBRUARY 1993

Reference or Case Number

AREA MAP

CASE NO. #513



I hereby certify on the 3 day of June, 19 92 that the above survey is correct.
Surveyed for: Christoff & Druley
Survey No.:

JOHN C. SAUER
REGISTERED
No. 50364
STATE OF INDIANA
LAND SURVEYOR

EXHIBIT A

COUNCILMANIC DISTRICT NO. 1

Map No. M-6
LW 6-22-92

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

RESOLUTION OF VACATION ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 14, 1992 referred a proposed alley vacation ordinance to the City Plan Commission which proposed ordinance was designated as Bill No. G-92-07-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 20, 1992.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 1, 1993.

Certified and signed this
2nd day of February 1993.

Robert Hutner
Secretary

CHRISTOFF & CHRISTOFF
ATTORNEYS AT LAW
MERRILL LYNCH PLAZA, SUITE 22
130 WEST MAIN STREET
FORT WAYNE, INDIANA 46802
Telephone (219) 422-1561

ATTORNEYS
Joseph Christoff
Joseph A. Christoff
Catherine S. Christoff

January 13, 1993

City of Fort Wayne
One Main Street
Fort Wayne, IN 46802

Attention: Wayne E. O'Brien, Esq. City Plan Commission

Re: G-92-07-06
Vacation Petition

Gentlemen:

Because of the present location of the sewer line in the alley, the affected owners in the block have elected to withdraw the Petition to vacate the alley described in the above filed petition.

Thanking you kindly for your cooperation and assistance in this matter, I remain,

Very truly yours,

CHRISTOFF & CHRISTOFF

By Joseph Christoff

gds
pc: Thomas F. Druley

Reconsideration of Bill # G-92-07-06

Petition: Joseph Christoff, Virginia L. Christoff, Catherine S. Christoff, Joseph A. Christoff, and Thomas F. Druley, requested the vacation of a public alley.

Location: The north-south alley east of Webster Street, between Jefferson Blvd. and Lewis Street.

Status: Granted a "Conditional Approval" on July 27, 1992.

Staff sent a letter indicating the conditions that needed to be met on July 28th. Our records do not indicate that the conditions have been satisfied.

On Jan. 6, 1993, staff again sent a letter indicating that the conditions were still unsatisfied, and that failure to respond by the 15th would cause the petition to be returned to the Plan Commission for reconsideration.

Planning Staff Discussion:

The staff does not recommend the vacation of any alley or easement unless the conditions addressing the need for replacement utility easement or relocations are satisfied as applicable.

Recommendation: Do Not Pass for the following reasons:

1) It is not appropriate for alley ways to be vacated unless replacement utility easements or relocations can be provided.

-or-

In response to staff's letter of Jan. 6th and follow up phone conversations, Mr. Christoff has elected to request a withdrawal of the vacation petition. Staff would support this request, and:

Recommendation: Withdrawal as requested by the petitioner.